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PATENT

Customer No. 22,852

Attorney Docket No. 05788.0208-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Sergio BELLI et al.)
) Group Art Unit: 1732
Application No.: 10/067,888)
) Examiner: Mark Eashoo, Ph.D.
Filed: February 8, 2002)
)
For: PROCESS FOR THE)
PRODUCTION OF A CABLE AND)
DEVICE FOR PERFORMING)
THIS PROCESS)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated March 18, 2003, the Examiner required
restriction under 35 U.S.C. § 121 between:

Group I: claims 20-31, drawn to a process for the production of a cable;
and

Group II, claims 32-34, drawn to an apparatus for the production of a
cable.

The restriction requirement is respectfully traversed. However, to be fully
responsive to the restriction requirement, Applicants elect, with traverse, to
prosecute Group 1, claims 20-31, drawn to a process for the production of a
cable.

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Applicants traverse the restriction requirement on the grounds that the Examiner has not met his burden to justify a restriction requirement. Specifically, while the Examiner has argued the two inventions to be distinct, nowhere has he addressed that there is a serious burden in examining all of the claims at once. *Applied Materials Inc. v. Advanced Semiconductor Materials*, 40 U.S.P.Q.2d 1481, 1492 (Fed. Cir. 1996). In fact, "[i]f the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 (emphasis added). Accordingly, the mere fact that the Examiner believes that the groups are distinct and that they are from separate classifications is not enough.

Applicants submit that there is no serious burden upon the Examiner to examine Groups I and II together. The Examiner's burden is minimized by the fact that the apparatus of Group II comprises a charging hopper, an extruder comprising an extruder screw, and a filter support plate recited in claim 20 of Group I. Since the claims of Groups I and II require the Examiner to search for the process equipment, as defined by the claims, Applicants believe there can be no serious burden on the Examiner to search and examine both Groups of claims. The search and examination of Group I should fully encompass the search and examination for Group II.

In view of the foregoing remarks, Applicants respectfully submit that the restriction requirement is in error and request that the requirement be withdrawn.

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Please grant any extensions of time required to enter this response and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, GARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 16, 2003

By: 

Gordon P. Klancnik
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